

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, December 19, 2011  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), M. Beal, R. Hall, K. Holt, P. Plante (until 7:15 p.m.),  
K. Rawn, B. Ryan,  
Members absent: G. Lewis, B. Pociask  
Alternates present: B. Chandy, V. Ward  
Staff Present: Linda M. Painter, Director of Planning and Development  
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed alternates Chandy and Ward to act in members' absence.

**Minutes:**

December 5, 2011 Meeting: Hall MOVED, Ryan seconded, to approve the 12/5/11 Meeting minutes as written. MOTION PASSED UNANIMOUSLY.

December 13, 2011 Field Trip: Beal MOVED, Ryan seconded, to approve the 12/13/11 minutes as written. MOTION PASSED with Goodwin, Beal, Holt, Ryan and Rawn in favor and all others disqualified.

**Zoning Agents Report:**

Noted.

**Old Business:**

a. **Special Permit Application For Wedding Venue (PZC File #1217-2)**

**552 Bassetts Bridge Road, J. & J. Bell owner/applicant**

Plante MOVED, Holt seconded, to approve with conditions the special permit application (File #1217-2), The Gardens at Bassetts Bridge Farm, for use as a wedding and brunch venue from May through October, as submitted to the Commission and shown on site plans dated September 19, 2011 revised through 11/15/2011, building plans revised through September 29, 2011 and as described in other application submissions and as presented at Public Hearings on September 6, 2011, October 3, 2011 and November 21, 2011.

This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations and is granted with the following conditions:

1. This approval, which authorizes the seasonal operation of a wedding and brunch venue, is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed use and site improvements shall be limited to those authorized by this approval and previous approvals. Any questions regarding authorized uses, required site improvements, and conditions cited in this approval, shall be reviewed by the Zoning Agent and Director of Planning and Development and, as appropriate, the Planning and Zoning Commission.

2. No Zoning Permit shall be issued for Phase 1 site improvements until the following conditions are met:
  - a. Temporary/portable venue sign details have been submitted and approved by the Director of Planning and Development
  - b. Any entrance light used, whether provided by Connecticut Light and Power or the applicant, shall be dark sky compliant.
  - c. On-site parking lot and driveway lighting fixtures shall be dark sky compliant.
3. A Temporary Special Outing Facility Permit is approved as part of this special permit application subject to the applicant providing written approval from the Mansfield Police Department prior to any event at which alcohol is to be served. The applicant shall provide documentation verifying that they have complied with the Department of Consumer Protection Liquor Control regulations. Failure to comply with any conditions of the Police Department approval or problems resulting from the provision of alcoholic beverages may result in reconsideration of the Temporary Special Outing Facility Permit by the Planning and Zoning Commission.
4. A live music permit is approved as part of this special permit application subject to the following conditions:
  - a. Noise levels shall not exceed the maximum decibel levels at the property line established in Chapter 134 of the Mansfield Code of Ordinances (55 dBA daytime; 45 dBA nighttime).
  - b. Repeated noise complaints and/or violations may result in reconsideration of the live music permit by the Planning and Zoning Commission.
5. The applicant shall not apply for a Zoning Permit for Phase 2 improvements (restroom addition to barn and installation of the septic system) until a report prepared by a sanitary engineer, geologist or other qualified professional pursuant to the requirements of Article VI, Section B.4.m.1 regarding potential impact from the proposed septic system on the aquifer has been submitted to the Commission for review and approval. Such report should include any necessary mitigation measures, including relocation of the system if necessary to ensure that the waste disposal system discharges will not contaminate aquifer recharge areas. The Commission may refer the report to the Mansfield Health Officer, the Mansfield Conservation Commission, Connecticut Department of Health and Connecticut Department of Energy and Environmental Protection for review and comment prior to making a decision.
6. Zoning Permits for Phases 2 and 3 shall not be issued until the applicant has secured the necessary approvals from the Eastern Highlands Health District and Department of Public Health.
7. Approval to operate a Sunday brunch shall not become effective until the Phase 3 improvements have been completed. Times, seating capacity and menu shall be as identified in the statement of use. The previous café approval shall become invalid once the brunch operation commences.
8. The applicant shall employ best management practices as recommended by the Department of Energy and Environmental Protection and USDA Natural Resources Conservation Service for the application of manure, fertilizer or pesticides.
9. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED with all in favor except Hall and Chandy, who disqualified themselves.

b. **Special Permit Application for Building Replacement and Expansion (PZC File #937-5)**

**173 Storrs Road, Natchaug Hospital owner/applicant**

Holt MOVED, Plante seconded, to approve with conditions the special permit application (File #937-5), Natchaug Hospital, for demolition of the existing building at 173 Storrs Road and construction of a new facilities management building, as submitted to the Commission and shown on plans dated 8/16/2011 revised through 11/15/2011, building plans dated September 26, 2011 and as described in other application submissions and as presented at Public Hearings on November 7 and November 21, 2011.

This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations and is granted with the following conditions:

1. This approval, which authorizes the demolition of an existing building and construction of a new facilities management building, is specifically tied to the applicant's submissions and the conditions cited in this motion. Unless modifications are specifically authorized, the proposed use and site improvements shall be limited to those authorized by this approval and previous approvals. Any questions regarding authorized uses, required site improvements, and conditions cited in this approval, shall be reviewed by the Zoning Agent and Director of Planning and Development and, as appropriate, the Planning and Zoning Commission.
2. No Zoning Permit shall be issued until the following conditions are met:
  - a. The plans for serving the subject building with public water and sewer service have been approved by the Windham Water Works;
  - b. Plans for location and screening of HVAC equipment have been submitted and approved by the Director of Planning and Development;
  - c. Details on location and type of exterior wall mounted lighting fixtures have been submitted and approved by the Director of Planning and Development; and
  - d. A handicap accessible parking space that meets current State Building Code requirements is added to the parking lot if required by the Building Official.
3. Plans submitted for building permit approval shall comply with the conditions contained in the memo from the Deputy Fire Marshall dated November 17, 2011.
4. The applicant shall ensure that the grounds maintenance staff is educated on maintenance procedures contained in the Stormwater and Landscape Management Plan dated November 21, 2011. The applicant shall be responsible for ensuring that all maintenance procedures are followed.
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED with all in favor except Chandy who disqualified herself.

c. **Cease and Desist Order-Freedom Green (PZC File #636-4)**

Item tabled pending staff review of plans submitted to the Office on Monday, December 19, 2011. The Cease and Desist order, as per motion of December 5, 2011, remains in full force and effect.

d. **Interstate Reliability Project**

Attorney John D. Yarbrough, Jr. of Carmody & Torrance, and Anthony Mele, CL&P Interstate Reliability Project Manager, introduced themselves and stated that they are present to answer any questions the public or Commission might have regarding the project.

Linda M. Painter, Director of Planning & Development, summarized her memo sent via email to members on 12/15/11 and briefed the Commission on the background of the project and supplied a comparison of the previous 208 proposal to the current proposal.

Rich Civie, Beech Mountain Road, expressed concern that Mansfield will be paying for the power problems and needs in southwestern CT, noting that there will be detrimental impacts to Mansfield with no benefit. He felt that underground transmission would be the best option in Mansfield other than by-passing Mansfield all together. He suggested a committee be formed to go before the Siting Council and volunteered to be on it.

Mr. Mele stated that they anticipate filing the application with the Siting Council on Friday, December 23<sup>rd</sup> and noted that the Siting Council first holds open forums in the region for citizens to express concerns and ask questions. They anticipate the Siting Council Public Hearings will be held in the spring after the forums.

Holt stated, and by consensus the Commission agreed, that the letter the PZC sent to the council regarding the previous proposal is still adequate if updated to include that the PZC prefers the underground method throughout all of Mansfield. Painter agreed to have a draft letter prepared for the next meeting.

Additional conversation took place prior to the conclusion of the meeting. Beal suggested underground installation where CL&P proposes it in southwestern Mansfield should be acceptable, along with a request that it continue underground from the apex of Beech Mountain through Mansfield Hollow Reservoir, rather than from tower line to tower line as proposed. Discussion continued regarding the potential for disturbance at the Reservoir and park, and the crossing of the reservoir. Rawn asked that the Director request a cost estimate for underground installation from CL&P.

e. **Continued Discussion of By-Laws**

Item tabled.

f. **Special Permit Application for Fill (PZC File #1306)**  
**28 Old Kent Road, J. James owner/applicant**

Item tabled, pending Public Hearing scheduled for 1/3/2012.

g. **Special Permit Application, Addition to Eastbrook Mall & Freestanding Building (PZC File #1307)**  
**95 Storrs Road, New England Design/applicant**

Item tabled, pending Public Hearing scheduled for 1/3/2012.

**New Business:**

a. **Request to amend Conservation Easement/Hawthorne Lane Subdivision**

Linda M. Painter, Director of Planning and Development, summarized her memo which explained the request. Chris Duers, one of the affected property owners, stated that this request is a contingency plan if the Interstate Reliability Project proceeds, and that this request would protect the properties and quality of life for the residents of Hawthorne Lane. After discussing the proposal, the consensus of the Commission was that the proposed request to amend the Conservation Easement is appropriate and advised the residents to have a map prepared for the next meeting.

b. **8-24 Referral Re: Dog Lane Utility Easement**

Ryan MOVED, Holt seconded, that the PZC report to the Town Council that the PZC recommends that the Town Manager be authorized to grant the proposed utility easement to Connecticut Light and Power as it is consistent with Mansfield's Plan of Conservation and Development, the approved Storrs Center Master Plan and the Development Agreement between the Town and Storrs Center Alliance. MOTION PASSED UNANIMOUSLY.

c. **Special Permit Application, Cumberland Farms, (PZC File #1303-2)**

**643 Middle Turnpike & 1660 Storrs Road, Cumberland Farms, Inc./applicant**

Rawn MOVED, Holt seconded, to receive the Special Permit application (file #1303-2 ) submitted by Cumberland Farms Inc., for a Convenience Store and Gas Station on property located at 643 Middle Turnpike and 1660 Storrs Road as shown on plans dated 12-9-11 as shown and described in application submissions, and to refer said application to staff and committees, for review and comments and to set a Public Hearing for 1-17-12. MOTION PASSED UNANIMOUSLY.

**Reports from Officers and Committees:**

Beal noted that the next Regulatory Review Committee meeting will be on Wednesday, January 11<sup>th</sup> at 1:15 p.m. in Conference Room C. Linda M. Painter, Director of Planning and Development, noted that the Final Environmental Impact Statement for North Hillside Road Extension has been given to the Town. A copy is available to borrow in the Planning Office and any comments should be submitted to the Office prior to the end of the 30 day comment period of January 23, 2012.

**Communications and Bills:** Noted.

**Adjournment:**

Chairman Goodwin adjourned the meeting at 8:32 p.m.

Respectfully submitted,

Katherine Holt, Secretary